

March 12, 1976

CLERK: Mr. President, your committee on education to whom was referred LB785 instructs me to report the same be advanced to General File.

Mr. President, Senator Murphy asks unanimous consent to insert amendments in the Journal. (amendments to LB948)

PRESIDENT: Senator Dworak.

SENATOR DWORAK: Mr. President, fellow members. This option that were allowing the people in the State of Nebraska to make, and lets remember this. Everybody is under the act unless they opt out of it. I really would like to pass a legal form around this body, to every member of this body right now. You make the decision right now as to whether you are going to opt in or opt out of the act. Now remember you have had 2, 3, 4 days of debate on this. You have read the bill. You understand what is in it. You know what we have done with collateral sources, you know what we have done with the financial reimbursement. You know this in this body right now. You have all of this background and all of this information. Now, I would like to have you make a decision right now for yourself and your families as to whether you are going to opt in or out of this act. I wonder how much soul searching it would take you to put your name on that document opting in or out of that act. It would take quite a bit. I want to raise another question to the senators here in Omaha. You know the limitations that we will have placed under the medical malpractice act if this act is passed. If you are going to have major surgery would you not think very seriously about going across the river to Iowa to have it done? Now, in my opinion with what limitations that we have placed under this act, and if me or anyone in my family were going to have surgery, and I'm not talking about emergency situations, I would agree with Senator Schmit that in an emergency situation you have no choice. But, I am talking about something that you know has to be corrected physically with you. You know the limitations of the law in the State of Nebraska. You know that in Iowa, Kansas, Colorado, South Dakota, and Minnesota, those states do not have those limitations. If you can afford to take that trip to Kansas City, to Council Bluffs, to Des Moines, to the Mayo Clinic or wherever it might be, I am wondering where you would go understanding the full provisions or what we do understand of this act right now, where you would go to have that done. Where you would go, where you would take your youngsters, where you would take your grandchildren, where you would go. I think that I have answered the question in my own mind. I think that I would be negligent in my responsibility to myself and what financial remuneration that I provide my family to come under the limitations of this particular act if I could go someplace else within reason, to get it done. Now, this opting in and out really disturbs me and I think that Senator Cope sort of hit it right on the head but from another direction. I think that a person should be forced with a decision as to whether he is going to opt in or out. I think that everybody....now one more question that comes to mind, and I can't answer this question. But, when I make this decision to come under this act for my children, how long are they bound by that decision? To age eighteen? The age of maturity? To twenty-one?